

# International Human Rights

### Course Materials

## Volume II

STORAGE

K 3240.3 .073 2011 v.2 c.1 Fall 2011
Adjunct Professor Jennifer Orange

BORA LASKIN LAW LIBRARY

SEP - 1 2011

FACULTY OF LAW UNIVERSITY OF TORONTO

# International Human Rights

Course Materials

### Volume II

Fall 2011 Adjunct Professor Jennifer Orange Digitized by the Internet Archive in 2018 with funding from University of Toronto

#### International Human Rights Law Syllabus Fall 2011

#### **VOLUME I**

1.	What are Human Rights?	
a.	Jerome J. Shestack, "The Philosophic Foundations of Human Rights", <i>Human Rights Quarterly</i> 20 (1998) 201-234	1
b.	Jack Donnelly, <i>Universal Human Rights in Theory and Practice</i> (New York: Cornell, 1989) 9-27	35
c.	Martti Koskenniemi, Human Rights, Politics and Love," Mennesker & Rettigheter (The Nordic Journal Of Human Rights) 4/2001 pp. 33-45 (also reprinted in: Finnish Yearbook of International Law, Vol. 13 (2002) pp. 79-94	46
2.	Historical Development	•
a. b.	Document: Universal Declaration of Human Rights Lynn Hunt, <i>Inventing Human Rights: A History</i> (New York: Norton, 2007) 113-145, 176-200	55 61
c.	Philip Alston, "The Relationship Between the Two Sets of Rights: Civil and Political Rights, and Economic, Social and Cultural Rights" in <i>Development, Human Rights and Rule of Law</i> , International Commission of Jurists (Oxford: Pergamon Press, 1981) 47-54	92
d.	Charles Taylor, "Conditions of an Unforced Consensus on Human Rights", in Joanne A. Bauer and Daniel A. Bell, <i>The East Asian Challenge for Human Rights</i> (Cambridge: Cambridge University Press, 1999), p.124	98
3.	Cultural Relativism: theoretical underpinnings	
a.	Michael J. Perry, "Are Human Rights Universal? The Relativist Challenge and Related Matters", (1997) 19 <i>Human Rights Quarterly</i> 461	109
b.	Amartya Sen, "Human Rights and Asian Values," The New Republic, July 14-21, 1997	158
c.	Cairo Declaration on Human Rights in Islam, Aug. 5, 1990, U.N. GAOR, World, Conf. on Hum. Rts., 4 <sup>th</sup> Sess., Agenda Item 5, U.N. Doc. A/CONF.157/PC/62/Add.18 (1993), Preamble, Arts. 5-7	169
4.	Cultural Relativism and Polygamy	,
a.	Radhika Coomaraswamy, "Identity Within: Cultural Relativism, Minority Rights and the Empowerment of Women", (2002) 34 Wash. Int'l L. Rev 483	172
b.	Heather Johnson, "There are worse things than being alone: Polygamy in Islam, Past, Present and Future", (Spring 2005) 11 William & Mary Journal of Women and the Law, 563 [footnotes excluded]	188

	Jason D. Berkowitz, "Beneath the Veil of Mormonism: Uncovering the About Polygamy in the United States and Canada", (Spring 2007) 38 <i>University of Miami Inter-American Law Review</i> 615  B.C. Civil Liberties Association, "BCCLA argues polygamy law is unconstitutional", March 17, 2011, <a href="http://www.bccla.org/pressreleases/11polygamy_law.html">http://www.bccla.org/pressreleases/11polygamy_law.html</a>	205
5.	Human Rights and the Interstate System	
	Documents: <ul> <li>a. United Nations Charter, Arts 1, 2, 55-74</li> <li>b. United Nations General Assembly, Resolution 60/251, establishing the Human Rights Council, 3 April 2006</li> <li>Christian Tomushcat, Human Rights between Idealism and Realism (Oxford University Press: Oxford, 2004), pp. 112-131</li> </ul>	219 . 233 237
c.	Hurst Hannum, ed., <i>Guide to International Human Rights Practice</i> , Transnational Publishers: New Jersey, 2004 [4 <sup>th</sup> edition], pp. 43-63	247
6.	The International Covenant on Civil and Political Rights (ICCPR)	
•	The Nature of Obligations	250
	ICCPR Manfred Nowak. CCPR Commentary (NP Engel: Kehl am Rhein, 2005) pp. 27-30, 34-46, 57-72	258 265
0	Extraterritoriality	
a. b.	ICCPR, Art. 2(1) Marc Bossuyt, Guide to the Traveaux Preparatoires" of the International Covenant on Civil and Political Rights (Martinus Nijhoff: Dordrecht, 1987) pp. 52-56	.258
c.	ICJ, Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory (2004), paras. 102-113	290
d.	Human Rights Committee: General Comment 31	299
a. b.	The Human Rights Committee ICCPR, Arts 28-41; Optional Protocol I Henry Steiner, Philip Alston and Ryan Goodman, <i>International Human Rights:</i>	303
·	Law, Politics, Morals (forthcoming, 2007) 2 page extract	307
7.	ICCPR (con't)	
•	Derogations in Times of Public Emergency (Article 4)	
а	Human Rights Committee General Comment 29	309

b.	Human Rights Committee, <i>Jorge Landinelli Silva et al v. Uruguay</i> , Communication No. 34/1978 (8 April 1981), U.N. Doc CCPR/C/OP/1 at 65	31
c.	(1984) Noura Erakat, "Emergency Laws, the Arab Spring, and the Struggle Against 'Human Rights'", <a href="http://www.jadaliyya.com/pages/contributors/436">http://www.jadaliyya.com/pages/contributors/436</a> , July 5, 2011	32
•	Right to Life (Article 6)	
a.	Human Rights Committee, General Comment 6	32
b.	Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990, Adopted by the Eighth UN Congress on the Prevention of Crime and the	22
c.	Treatment of Offenders Human Rights Committee, <i>Pedro Pablo Camargo v. Colombia [Guerrero v.</i>	32
0.	Colombia] Communication No. 45/1979, U.N. Doc CCPR/C/OP/1 at 112 (1985)	33
olu	J <b>ME II</b>	
8.	The Prohibition on Torture and Inhumane Treatment (Article 7)	•
a.	Human Rights Committee, General Comment 20	1
a. b.	Nowak, CCPR Commentary, pp. 161-168, 172-185	4
c.	Steiner, Alston and Goodman, International Human Rights in Context: Law,	
	Politics, Morals: text and materials, 3 <sup>rd</sup> ed. (Oxford: Oxford University Press, 2008), pp. 226-261	16
9.	Economic, Social and Cultural Rights	
•	The International Covenant on Economic, Social and Cultural Rights (ICESCR)	
a.	Steiner, Alston and Goodman, <i>International Human Rights in Context: Law, Politics, Morals: text and materials</i> , 3 <sup>rd</sup> ed. (Oxford: Oxford University Press,	34
1	2008), pp. 263-273 and 283-289	44
b.	Issa Shivji, "Constructing a New Rights Regime: Promises, Problems and Prospects," (1999) 8 <i>Social and Legal Studies</i> , 253-262	eath rath
c.	ICESCR	54
d.	Committee on Economic, Social and Cultural Rights, <i>General Comment No. 3</i> (1990), Nature of States' Parties Obligations	58
10	. The Right to Health	
	ICECCD Art 12	
a. b.	ICESCR, Art. 12 General Comment No. 14	62
c.	"Health" in Susan Marks and Andrew Plapham, <i>International Human Rights</i>	
	Lexicon (Oxford University Press: Oxford, 2006) pp. 197-208	80

d.	Soobramoney v. Minister of Health, Kwa-Zulu Natal, Constitutional Court of South Africa, CCT 8/02 (5 July 2002) [excerpts]	88
e.	Minister of Health v. Treatment Action Campaign (No. 2), Constitutional Court of South Africa, CCT 8/02 (5 July 2002) [excerpts]	97
11.	The Right to Water	
a. b.	General Comment No. 15 (2002) Friends of the Right to Water, "Key Principles for an International Treaty on the Right to Water", Draft, April 2005	125 143
c.	"What Price for the Priceless?: Implementing the Justiciability of the Right to Water", edited by The Harvard Law Review Association, (2007) 120 Harvard Law Review 1067	153
d.	"Five things you should know about Canada's position on the right to water", Council of Canadians, updated July 26, 2010, <a href="http://www.canadians.org/water/issues/right/Canada.html">http://www.canadians.org/water/issues/right/Canada.html</a>	175
12.	Human Rights and the Environment: Climate Change	
a.	Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, A/HRC/10/61, January 15, 2009	177
b.	Anne Morin and Lorena Patino, "Background Paper on Climate Change, Wellbeing and Human Rights", Government of Canada, Discussion Paper, June 2010, <a href="https://www.pri-prp.gc.ca">www.pri-prp.gc.ca</a> [excerpt]	209
•	Inuit Petition to the Inter-American Commission on Human Rights	
a.	Summary of Inuit Petition, <a href="http://www.earthjustice.org/library/legal_docs/summary-of-inuitpetition-to-inter-american-council-on-human-rights.pdf">http://www.earthjustice.org/library/legal_docs/summary-of-inuitpetition-to-inter-american-council-on-human-rights.pdf</a>	222
b.	IACHR Testimony by Sheila Watt-Cloutier, <a href="http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-sheila-watt-cloutier.pdf">http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-sheila-watt-cloutier.pdf</a>	230
c.	IACHR Testimony by Martin Wagner, <a href="http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-martin-wagner.pdf">http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-martin-wagner.pdf</a>	234
d.	IACHR Testimony by Don Goldberg, <a href="http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-donald-goldberg.pdf">http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-donald-goldberg.pdf</a>	240